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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 DEBORAH L. ZAPPA, an individual,) **Case No.**
11 Plaintiff,) **3:08-CV-00319-H-NLS**
12 vs.)
13 AMERICAN GENERAL LIFE COMPANIES,) **JOINT DISCOVERY PLAN**
14 AMERICAN INSURANCE ADMINISTRATORS,)
and AMERICAN GENERAL ASSURANCE)
COMPANY, and DOES 1 through 20,)
15)
Defendants.)
16)
17)

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19 The parties met via telephone conference on May 19, 2008 to
20 conduct the Rule 26(f) conference. The following Joint Discovery
21 Plan is submitted by the parties.

22 **I. SCHEDULING, TRIAL AND MOTIONS**

23 **A. Complex Case**

24 The parties do not believe this is a complex case for purposes
25 of such designation by this court.

26 **B. Motion Schedule**

27 The parties propose any motions to be filed by May 14, 2009.

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1 **C. Settlement**

2 The parties are interested in attending an early Voluntary
3 Settlement Conference.

4 **D. Trial Estimate and Date**

5 The plaintiff has requested a trial by jury. The trial
6 estimate is six days. The parties request a trial date of June
7 15, 2009.

8 **E. Expert Witnesses**

9 The parties propose initial expert exchange occur by November
10 13, 2008 with a subsequent exchange of December 1, 2008.

11 **II. DISCOVERY PLAN**

12 **A. Discovery Subjects**

- 13 1. Plaintiff's claims as set forth in her complaint.
- 14 2. Defendants' affirmative defenses.
- 15 3. Issues relating to AIA's potential indemnity claim.
- 16 4. Any related matters arising from other discovery.

17 **B. Discovery Cut-off dates**

- 18 1. Non-expert discovery: The parties propose all non-expert
19 discovery be completed on or before February 27, 2009.
- 20 2. Expert discovery: The parties propose the exchange of
21 experts identities occur as stated in I. E. above. The parties
22 propose the initial disclosure of expert reports occur on or
23 before March 13, 2009 with the rebuttal disclosure to occur on
24 or before March 31, 2009. The parties propose all expert
25 discovery be completed on or before April 30, 2009.
- 26 3. Discovery motions: The parties propose any discovery
27 motions be filed on or before May 14, 2009, the same date for
28 any other motions as well.

1 **C. Phasing or Limiting Discovery**

2 The parties do not at this time propose the phasing of
3 discovery or limiting discovery. This is subject to being re-
4 visited if later warranted.

5 **III. UNUSUAL LEGAL ISSUES**

6 AMERICAN INSURANCE ADMINISTRATOR's (AIA) answer to Plaintiff's
7 complaint and any corresponding cross-claim were due on May
8 19, 2008. At that time, Defendant American General Assurance
9 Company was still evaluating whether it would accept AIA's
10 tender for defense and indemnity. Rather than require
11 unnecessary litigation, Defendants American General Assurance
12 Company and American General Life insurance company (AGAC)
13 agreed to extend the time, by thirty (30) days from AGAC's
14 final response to the tender, within which AIA must file any
15 cross-claim, if it so desires. AGAC agrees not to object to
16 any cross-claim on timeliness grounds, nor will it require
17 that AIA seek leave of court to file said cross-claim,
18 provided the proposed filinig date does not exceed the thirty
19 (30) day extension. Plaintiff Zappa also stipulates to this
20 agreement between AIA and AGAC.

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22 DATED: May 20, 2008

23 /s/ Gregory C. Kane
24 Gregory C. Kane
25 Attorney for plaintiff
26 Deborah Zappa

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1 JOINT DISCOVERY PLAN
2 ZAPPA v. AMERICAN GENERAL LIFE INSURANCE COMPANY, et al.
3

4 DATED: _____
5

6 /s/ Michael Brisbin
7 Michael Brisbin
8 Attorney for Defendants
9 American General Life Insurance
10 Company & American General Assurance
11 Company
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13 DATED: _____
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15 John Boyle
16 Attorney for defendant
17 American Insurance Administrators
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